

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 27785 of 2017
Date of decision: 07.12.2017

Lajpat Rai

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Shailendra Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge by the petitioner in the present writ petition is to the order dated 30.09.2016 passed by the First Appellate Authority (Annexure P-3) whereby, his appeal was partly accepted and the stoppage of one annual increment permanently stopped was converted to stoppage of one annual increment for one year temporarily. Similarly, the suspension period from 11.05.2012 to 14.05.2012 from the subsistence allowance was to be treated as paid leave.

Counsel for the petitioner has vehemently argued that the petitioner was not guilty of the charges but in spite of that the appeal has not been allowed in its entirety.

A perusal of the paper book would go on to show that the allegations against the petitioner in the departmental inquiry, who is a driver, were that he did not bring the bus on to the booth in time and therefore, he did not lift the passengers after Ambala and the bus had to ply without passengers. Resultantly, on account of the loss suffered, he has been departmentally proceeded against. In the departmental inquiry, his

defence was that the vehicle which had been supplied to him was not working and there were certain defects due to which he had got late and since the same had to be repaired.

The Inquiry Officer has noticed that opportunity was given to produce the witness and the evidence and the Assistant Battery Attendant had also appeared but was not able to produce the job card progress register to show that the vehicle had been repaired.

Resultantly, the Inquiry Officer had come to the conclusion that the petitioner was negligent in discharge of his duties and the charges had been held to be proved. It is in such circumstances that the Disciplinary Authority had imposed stoppage of one annual increment permanently and restricted the suspension period from 11.05.2012 to 14.05.2012 upto the subsistence allowance vide order dated 20.03.2015 (Annexure P-2).

The Appellate Authority has duly perused the record and had given personal hearing to the petitioner and thereafter has modified the punishment, as noticed above. No procedural error as such has been pointed out in the inquiry. A lenient view has been taken by reducing the punishment imposed. Counsel could not also deny the fact that the financial implications for the minor punishment does not exceed Rs.2,500/-.

In such circumstances, this Court is of the opinion that no case is made out for interference and the present writ petition is accordingly dismissed in limine.

07.12.2017
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No